

Memorandum



Date: March 15, 2005

To: Honorable Chairman Joe A. Martinez and Members
Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Waiver of Formal Bid and Bid Protest Procedures for Bid No. EM7797-2/07,
Emergency, Security Guard Services for Miami-Dade County

Not On
Agenda Item No. 7(O)(1)(B)

This item is an add-on as expedited Board consideration is needed to waive formal bid procedures, bid protest procedures and the Board's contract reconsideration period for purchase of security and screening services as the current contract expires on March 31, 2005.

RECOMMENDATION

It is recommended that the Board waive formal bid procedures, bid protest procedures, and the Board's contract reconsideration period for the purchase of security and screening services and approve the recommendation to award Bid No. EM7797-2/07, Emergency, Security Guard Services for Miami-Dade County pursuant to Section 2-8.1 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interests of the County.

This item is presented as a bid waiver upon the advice of the County Attorney's Office since it was processed as a competitively bid emergency procurement, but is now before the Board for award. Furthermore, bid protest procedures may only be waived by the Board of County Commissioners. If the bid protest had not been filed, staff would have proceeded as planned with award and subsequent Board of County Commissioner's ratification.

BACKGROUND

On December 8, 2004, the County issued a competitive emergency solicitation to secure critically needed security guard and screening services for approximately 200 County facilities. This action was necessary due to the recent federal court ruling issued on August 20, 2004 barring the County from awarding, renewing, extending or modifying contracts containing Black, Hispanic and Women Business Enterprise (B/H/WBE) participation measures.

The Goods and Services Committee was appointed to review all current contracts and solicitations affected by the federal ruling, and to make recommendations regarding those projects determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. Although deemed an emergency by the Goods and Services Committee because of the impact of the security and screening services on the safety of the County employees and public in over 200 buildings, the solicitation was competed in order to insure fairness, transparency and best value. Staff sent out an emergency solicitation to enrolled vendors in the applicable commodity category. Fifteen bidders submitted proposals.

During the evaluation phase, seven bidders were found to be non-responsive as follows:

- Union Security Services Inc., Las Top Security Inc., Bayus Security Services, Kemp Security International and Universal Security Group, Inc. do not have the required experience for providing security services of the size and scope required in the specifications.
- DSI Security Services did not comply with the requirement for the Contractor Office/Central Dispatch Center.
- Gabriel Security did not comply with the experience required for the Field Supervisor and the Project Manager.

Based on this initial evaluation, on March 4, 2005, a notice indicating the county's intent to recommend the responsive firms for award of contracts in the eight sectors was forwarded to all participants in the emergency solicitation process. The following bidders were advised of staff's intent to recommend their firms for award:

Delad Security, Inc. – Sector 1A
Alanis Security, Inc. – Sector 1B
Security Alliance of Florida, LLC – Sector 1C
Vanguard Security, Inc. – Sector 1D
Forestville Corporation – Sector 1E
Sereca Corporation – Sector 2A
50-State Security Services, Inc. – Sector 2B
Milex Corporation (1985) Inc. – Sector 2C

After the March 4th notice was issued, further review of the Sereca Corporation proposal resulted in a determination that this bidder did not, in fact, comply with the experience required for the Field Supervisor. This resulted in a change in the order of award. An updated letter removing Sereca from the list of bidders recommended for award was issued to all participants, on March 13, 2005. The vendors now recommended for award are:

Forrestville Corporation – Sector 1A
Security Alliance of Florida, LLC. – Sector 1B
Alanis Security, Inc. – Sector 1C
Delad Security, Inc. – Sectors 1D
Forrestville Corporation – Sectors 1E
Milex Corporation (1985) Inc. – Sector 2A
50-State Security Services, Inc. – Sector 2B
Vanguard Security, Inc. – Sector 2C

Honorable Chairman Joe A. Martinez and Members,
Board of County Commissioners
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On March 8, 2005, DSI Security Services (DSI) filed a protest with the Clerk of the Board. The protest challenged the County's decision to find DSI non-responsive as it did not demonstrate that they currently (at time of bid submission) have a central dispatch center located in Miami-Dade County. The protest also alleged collusion between two other bidders that are recommended for award.

I have consulted with the County Attorney's Office and it appears that this protest is without merit. The common ownership between the two firms which is the basis for the protestor's allegation of collusion, was known to the County and was the subject of a prior finding of no collusion adopted pursuant to the process specifically set forth in the Code for making those determinations. To update its prior finding, the County has received assurances regarding the continued independence of the two firms, and such firms will be submitting affidavits to that effect. Based on these representations and the prior findings, I find that the affected firms did not collude in the preparation or submittal of this bid. Additionally, at the time of bid the protester did not have a central dispatch center and therefore did not comply with the minimum qualifications. The County Attorney's Office provided advice and input throughout these determinations and concurs in this result.

There is no time for consideration of this matter by a hearing examiner prior to the expiration of these contracts. These contracts are required to replace current contracts expiring on March 31, 2005 for security guard services for 200 county buildings. As this is the only meeting of this Board prior to the expiration date, this item requests your authorization to waive the bid protest procedures and approve the award of the contract without the delay in effective date related to the period of reconsideration. Had there been no protest, I would have awarded these contracts under my emergency authority, subject to ratification by the Board at an upcoming Board meeting.



Joseph A. Ruiz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 15, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Not On
Agenda Item No. 7(O)(1)(B)

Please note any items checked.

☒

"4-Day Rule" ("3-Day Rule" for committees) applicable if raised

☐

6 weeks required between first reading and public hearing

☐

4 weeks notification to municipal officials required prior to public hearing

☐

Decreases revenues or increases expenditures without balancing budget

☐

Budget required

☐

Statement of fiscal impact required

☐

Bid waiver requiring County Manager's written recommendation

☐

Ordinance creating a new board requires detailed County Manager's report for public hearing

☐

Housekeeping item (no policy decision required)

☒

No committee review

Approved _____ Mayor
Veto _____
Override _____

Not On
Agenda Item No. 7(O)(1)(B)
3-15-05

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE BIDDING, BID
PROTEST PROCESS, AND RECONSIDERATION PERIOD
FOR THE EMERGENCY PURCHASE OF SECURITY AND
SCREENING SERVICES AND AUTHORIZING THE COUNTY
MANAGER TO AWARD SAME WITH AUTHORITY TO
EXERCISE OPTIONS TO RENEW ESTABLISHED
THEREUNDER

WHEREAS, the County Manager recommends to this Board the waiver of formal bid procedures, bid protest procedures and waiver of the reconsideration period for the purchase of security guard and screening services which cannot be purchased under normal bid procedures; and

WHEREAS, a description of the award of the emergency solicitation for the purchase of the security and screening services is attached and incorporated herein by reference ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interests of Miami-Dade County to waive formal bid procedures, bid protest procedures, and the delayed effective date of Resolution No. R-377-04 for the purchase of security and screening services and to authorize the County Manager to award said contract with authority to exercise options to renew established thereunder pursuant to Section 4.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3s) vote of the Board members present.

Furthermore, the Board waives the procedures contained in Sections 2-8.3 and 2-8.4 of the County Code, pertaining to bid protests, and Administrative Orders 3-21 and 3-38 by a two-third (2/3) vote of the Board members present.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of March, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by the County Attorney as
to form and legal sufficiency. OR

Oren Rosenthal

BID DETAILS OF THE WAIVER OF FORMAL BID PROCEDURES

BID NUMBER: EM7797-4/07

Title: Emergency, Security Guard Services for Miami-Dade County

Description: To establish an emergency bridge contract to furnish security personnel and screening services to approximately 200 County facilities and properties.

Department(s): GSA **Allocation(s):** \$28,423,988.00

Term of Contract: Twelve months (April 1, 2005 through March 31, 2006)

Option(s) to Renew: Two, six-month options-to-renew

Local Preference: Applied in accordance with applicable ordinances, and did not affect the outcome.

UAP: The contract includes the 2% User Access Fee.

Living Wage: The services to be provided are covered under the Ordinance. The Living Wage is included in the specifications.

Method of Award: To a low responsive, responsible bidder, for each of eight geographic sectors.

Vendor(s): Delad Security, Inc., Alanis Security, Inc. Security Alliance of Florida LLC, Forestville Corporation, Milex Corporation (1985) Inc., 50-State Security Service, Inc., Vanguard Security, Inc.

Estimated Contract Usage: One year: \$28,423,988.00

Comments: Authorization is requested to award the contract in accordance with the terms and conditions contained in the solicitation document, waive the bid protest process, and waive the reconsideration period.



DEPARTMENT OF PROCUREMENT MANAGEMENT
BIDS AND CONTRACTS DIVISION

111 N.W. 1st STREET

SUITE 1300

MIAMI, FLORIDA 33128-1974

(305) 375-5289

FAX: (305) 375-4407

March 13, 2005

Distribution List Below:

Re: Emergency Solicitation No. EM7797-2/07
Security Guard Services

Dear Vendor:

This letter rescinds and replaces our letter dated March 4, 2005 and serves as notice in accordance to Section 2, paragraph 2.6 of the referenced solicitation, that after evaluation of the bid proposals the following vendor(s) are being recommended for award:

Forrestville Corp.	Sector 1A
Security Alliance of Florida LLC	Sector 1B
Alanis Security Inc.	Sector 1C
Delad Security Inc.	Sector 1D
Forestville Corp.	Sector 1E
Milex Corp. (1985) Inc.	Sector 2A
50 State Security Service Inc.	Sector 2B
Vanguard Security Inc.	Sector 2C

The following are the vendors not being recommended for award due to non-compliance with experience required in Section 2, paragraph 2.6, 1, A, "Competency of Bidders Prior Experience" and Section 3, paragraph 3.3, A, "Contractual Service Requirement (Experience)":

Union Security Services Inc.
Las Top Security Inc.
Bayus Security Services
Kemp Security International
Universal Security Group, Inc.

The following vendor is not being recommended for award due to non-compliance with Section 3, paragraph 3.3, E, 2), "Contractor Office/Central Dispatch Center".

DSI Security Services

8

Page – 2 –

Re: Emergency Solicitation No. EM7797-2/07

The following vendors are not being recommended for award due to non-compliance with Section 3, paragraph 3.3, C and D, "Experience requirements for the Project Manager and Contractor Field Supervisor".

Gabriel Security Corp.
Sereca Corp.

Should you have any questions, please feel free to contact me at (305) 375-3022.

Sincerely,



Maria Hevia
Sr. Procurement Contracting Agent

Distribution List:

- Forestville Corp.
- 50 State Security Service Inc.
- DeLad Security Inc.
- Vanguard Security Inc.
- Alanis Security Inc.
- Sereca Corp.
- Milex Corp. (1985) Inc.
- Security Alliance of Florida
- Union Security Services Inc.
- Las Top Security Inc.
- Bayus Security Services
- Kemp Security International
- Universal Security Group, Inc
- DSI Security Services
- Gabriel Security Corp.

Cc: Clerk of the Board
Bid File



MEMORANDUM

TO: LISTED DISTRIBUTION

DATE: March 10, 2005

FROM: Kay Sullivan, Director
Clerk of the Board Division

SUBJECT: Bid Protest No. EM7797-4/07
Emergency Security Guard Services

Kay Sullivan

Pursuant to Section 2-8.4 of the Code and Administrative Order 3-21, Bid Protest Procedures, a bid protest was filed in the Clerk of the Board's Office on March 8, 2005, in connection with the foregoing Contract. The protest was filed by Eddie Sorrells, General Counsel, representing DSI Security Services.

A filing fee in the amount of \$3,000.00 was submitted with the bid protest.

If you have any questions pertaining to this protest, please contact me at ext. 1295 or my assistant in charge of bid protest procedures Fara C. Diaz at ext. 1293.

KD/fcd
Attachments

DISTRIBUTION:

Honorable Members, Board of County Commissioners
George Burgess, County Manager
Robert Cuevas, Assistant County Attorney
Dren Rosenthal, Assistant County Attorney
Charles Anderson, Commission Auditor
Miriam Singer, Acting Director, DPM
Maria Hevia, Sr. Procurement Contracting Agent, DPM
Valter Fogarty, DPM

RECEIVED
DEPARTMENT OF
PROCUREMENT MANAGEMENT
05 MAR 10 AM 10:24
MIAMI-DADE COUNTY
FLORIDA



P.O. BOX 7163 / 600 W. ADAMS ST.
DOTHAN, AL 36302
(334) 793-5720

March 7, 2005

Miami-Dade County
Office of the Clerk of the Board
111 N.W. 1st Street, Room 17-202
Miami, FL 33128-1974
Attn: Clerk of The Board

RE: **Formal Bid Protest - Bid No. EM7797-4/07**

Enclosed please find DSI Security Services formal protest in reference to Bid No. EM7797-4/07. In addition, I am forwarding the requisite \$3,000 filing fee made out to the clerk of the board.

If you have any questions concerning this protest, please contact me at the above number. We look forward to your response.

Sincerely,

Eddie Sorrells
General Counsel

CC: Robert Ginsberg, Esq. – County Attorney
Forestville Corp.
50 State Security Service Inc.
DeLad Security Inc.
Vanguard Security Inc.
Alanis Security Inc.
Sereca Corp.
Milex Corp.
Security Alliance of Florida, LLC
Union Security Services Inc.
Las Top Security Inc.
Bayus Security Services
Kemp Security International
Universal Security Group, Inc.
Gabriel Security Corp.

CLERK OF THE BOARD
2005 MAR -8 AM 11:28
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1



SECURITY SERVICES

P.O. BOX 7163 / 600 W. ADAMS ST.
DOTHAN, AL 36302
(334) 793-5720

March 7, 2005

Miami-Dade County
Office of the Clerk of the Board
111 N.W. 1st Street, Room 17-202
Miami, FL 33128-1974
Attn: Clerk of The Board

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Sincerely,

Eddie Sorrells
General Counsel

CC: Robert Ginsberg, Esq. – County Attorney
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Security Alliance of Florida, LLC
Union Security Services Inc.
Las Top Security Inc.
Bayus Security Services
Kemp Security International
Universal Security Group, Inc.
Gabriel Security Corp.

CLERK OF THE BOARD
2005 MAR -8 AM 11:28
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

12

1 Bid Protest

2 Bid No. EM7797-4/07

3
4 Attn: Clerk of The Board

5
6 Pursuant to Administrative Order No. 3-21, I hereby submit
7 in regard to the above bid the following protest on behalf of
8 DSI Security Services.
9

0
1 Background and Chronology

2
3 On 12-13-04 Miami-Dade County Department of Procurement
4 sent out solicitations seeking to award security services. DSI
5 Security received the specifications of this bid on or about 12-
6 14-04. Upon receiving the specifications, DSI began the work of
7 responding to each aspect of the specifications and subsequently
8 developed a responsive package and mailed the same to Miami-Dade
9 County procurement on 1-11-05. (There were several postponements
0 that occurred from the time the original solicitation was sent
1 out. These are omitted from the chronology as they have no
2 bearing on this protest).

3 On February 25, 2005, DSI Security Services received a
4 letter from Ms. Maria Hevia. In this letter Ms. Hevia stated
5 that DSI was not being recommended for consideration due to the

1 fact that it had failed to comply with Section 3 paragraph 3.3
2 (E) (2).

3 Protest Ground #1: Rejection of DSI Security Services as a
4 Bidder was in error and not consistent with the published
5 bid specifications.
6

7
8 Ms. Hevia's letter dated February 25, 2005 cited
9 Section 3 paragraph 3.3 (E) (2) of the bid specifications as the
10 sole reason for DSI Security's rejection. Upon reviewing the
11 letter along with the relevant specifications, DSI Security
12 Services contacted Ms. Hevia through Branch Manager Scott Ervin.
13 Mr. Ervin explained to Ms. Hevia that DSI Security Services did
14 in fact operate a dispatch center at one of its locations and
15 asked Ms. Hevia to reconsider her decision. This matter was
16 further discussed with Ms. Hevia on February 28, 2005 with Alan
17 Clark, President of DSI Security Services, Eddie Sorrells,
18 COO/General Counsel of DSI Security Services, and Mr. Ervin
19 participating in a telephone call. During this call it was
20 pointed out that DSI was "ready, willing, and able" to make any
21 and all necessary changes to its current radio dispatch system
22 in order to satisfy the requirements.

23 Subsequently, Mr. Ervin phoned Ms. Hevia and informed her
24 that we were having all dispatch equipment set-up at the Miami
25 Branch Office to ensure that all requirements would be met, and
26

1 that the same was ready for immediate inspection. Mr. Ervin also
2 sent Ms. Hevia a letter dated February 28th advising her of this
3 information. Nevertheless, we received a letter dated March 2,
4 2005 advising that the decision to disallow DSI Security
5 Services would stand.

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1 requirements are future-minded and is to be in place prior to
2 starting the contract (This is common in most specifications due
3 to the expense involved in implementing some requirements with no
4 assurance that the equipment will be utilized if there is no
5 contract award).

6 Furthermore, Section 3.26 would lead the average bidder to
7 assume that disqualification would only result after the bidder
8 is given the opportunity to cure any defects noted. It reads:
9 *Should the system be judged inadequate to provide service within*
10 *the contractual standards specified herein, and the contractor is*
11 *unable or unwilling to make changes deemed necessary by the*
12 *county, the Bid may be rejected as non-responsive. (Emphasis*
13 *Added)*

14 At all time during this process, DSI Security Services has
15 stood ready, willing, and able to make any changes deemed
16 necessary, and has done so proactively.

17 b. DSI Was in Compliance with Sections 3.3 (e), 3.26 (b),
18 and 3.26 (d)

19 It is the position of DSI Security Services that it has
20 been responsive throughout the bid process.

21 3.3 (e) (2)

16

This section states the specifications for the Contractor Central/Central Dispatch Center. At the time that DSI Security Services submitted its bid it was in compliance with this section by having a dispatch center located within Miami-Dade County with the applicable equipment and phone requirements. This location was an "office" as defined by this section and it was never asked to be inspected by the Miami-Dade county officials, even after Mr. Ervin pointed it out during the office inspection process.

3.26 (b)

At all times, DSI Security Services has operated a central dispatch center that we feel has met the requirements. We have also stood ready to make any and all necessary changes in order to satisfy the county procurement department. Again, it must be noted that these provisions speak in the future tense.

3.26 (d)

DSI Security Services has always been able and willing to make the required changes as requested by the county procurement department. However, in disregard to this provision, we have

1 never been afforded this opportunity prior to our rejection.
2 This action is in direct conflict with the spirit and intent of
3 this provision.

4 In a good faith attempt to satisfy the requirements, DSI
5 Security Services has taken steps to locate additional and all
6 existing radio equipment to its primary office located at 8249
7 NW 36th Street Miami, FL in order to ensure that it has given a
8 maximum effort to achieve compliance.
9

0
1 **Protest Ground #2 Presumed Collusion in the Bid Process**
2

3 It has come to the attention of DSI Security Services
4 that as a result of possible dual ownership or interests
5 involving at least two of the prospective bidding companies, the
6 process may be tainted by collusion.

7 *Section 1.18 of Section 1 General Terms and Conditions*
8 states:

9 *Where two (2) or more related parties, as defined herein,*
10 *each submit a Bid for any contract, such Bids shall be presumed*
11 *to be collusive.*

12 In regard to the corrective action that should be taken, it
13 further states:

14 *Bids found to be collusive shall be rejected. Bidders who*
15 *have been found to have engaged in collusion may be considered*

1 non-responsive, and may be suspended or debarred, and any
2 contract resulting from collusive Bidding may be terminated for
3 default.

4 It is our belief that two of the vendors you have
5 recommended for awards are either fully or partially owned by the
6 same individual or individuals, or the same individual or
7 individuals have a significant stake in both entities. These
8 vendors are Vanguard Security Inc., and Forestville Corp.
9 According to public records filed with the State of Florida, Mr.
0 David Shopay is listed as the registered agent and an
1 officer/director for both companies.
2

3 Section 1.18 states in regards to Related Parties:

4
5 Related parties shall mean Bidder or the principals thereof which
6 have a direct or indirect ownership interest in another Bidder
7 for the same contract or in which a parent company or the
8 principals thereof of one (1) Bidder have a direct or indirect
9 ownership interest in another Bidder for the same contract.
0

1 Based upon the clear language of this section, any and all
2 collusive bids should be rejected and/or all contracts
3 terminated.
4

1 Closing

2 DSI Security Services respectfully submits this protest for
3 your consideration and review. It should be pointed out that
4 based on the bids received by your department, DSI security
5 Services appears to be extremely competitive financially and
6 should be given the opportunity to provide service that best
7 serves the citizens and taxpayers of Dade County. DSI Security
8 Services is requesting that the decision to reject it as a bidder
9 be reversed, and that the issues of collusion be fully reviewed
10 and appropriate action taken, to include the disqualification of
11 any bidder engaged in such activity and the revocation of any
12 recommended award under this bid.

Dated this 7th day of March, 2005



DSI Security
Services
600 West Adams St.
Dothan, AL 36303
Eddie B. Sorrells,
General Counsel

Exhibits Attached:

Exhibit "A": Dade County Bid Specification 3.3 (D) (E)

Exhibit "B": Dade County Bid Specification 3.26 (B)

Exhibit "C": Dade County Bid Specification 3.26 (D)

Exhibit "D": State of Florida Public Record Filing of Vanguard Security Inc.

Exhibit "E": State of Florida Public Record Filing of Forestville, Inc.

Exhibit "F": Copy of Letter Dated February 25, 2005 from Maria Hevia indicating that DSI will not be recommended for award.

Exhibit "G": Copy of Letter Dated February 28, 2005 from Scott Ervin to Maria Hevia informing her of DSI's proactive steps to ensure dispatch compliance.

Exhibit "H": Copy of Letter Dated March 2, 2005 from Maria Hevia responding to Mr. Ervin's letter of February 28, 2005.

Exhibit "I": Copy of Mr. Ervin's Letter of March 2, 2005 to Maria Hevia and Jorge Silveria protesting the decision to disallow DSI.

Exhibit "J": Copy of letter dated March 4, 2005 from Maria Hevia to all bidders informing them of recommended awards.

SECTION 3
TECHNICAL SPECIFICATIONS

- E) Communications System – The Contractor must provide the information outlined below in order to enable Miami-Dade County to determine the overall adequacy of the Contractor's Radio Communications System. Other information may be requested subsequent to the submission of bids.
- 1) Radio Frequency – The Contractor must submit a list of radio frequencies, both for broadcasting and receiving along with a detailed list of others using the same frequency. The Contractor must also identify the number and locations of all repeater(s) to be utilized and their coverage area.
 - 2) Contractor Office/Central Dispatch Center – The Contractor must demonstrate that they currently have an office where the Central Dispatch Center is located, within Miami - Dade County, with at least five (5) lines: four (4) dedicated telephone lines for incoming and outgoing voice phone calls, and one (1) additional dedicated line for fax and/or computer use. The Dispatch Center must be manned twenty-four (24) hours a day, seven (07) days a week. The use of cellular phones and/or call forwarding for the main central dispatch telephone lines is unacceptable. The term "Office" does not include a home office, mail drop location, cellular or Nextel phone, or other location.

3.4 SCOPE OF WORK

It is the intent of Miami-Dade County to protect its personnel and/or property by means of well-trained, alert, interested, and concerned contractor personnel. The Contractor must impress upon these Contractor personnel that their primary duty and responsibility is to safeguard Miami-Dade County employees, the general public and County property. This General Order supersedes all others. The Contractor personnel are to act in a courteous and professional manner at all times. The Contractor shall provide appropriately equipped and trained Contractor personnel, with background inspections completed according to Miami-Dade County's specified eligibility criteria. These Contractor personnel are required to provide protection for Miami-Dade County personnel and property in and around Miami-Dade County facilities. The Contractor shall be liable for losses, potential losses or damages arising from the actions of Contractor personnel.

Exhibit "A"

SECTION 3
TECHNICAL SPECIFICATIONS

B) **Contractor Central Dispatch**

The Contractor will provide a centralized dispatching service through use of a stationary base station staffed by experienced personnel on a 24-hour/7-day per week basis. A mobile transmitter/receiver or a handheld radio operated from the field or the office will not be considered sufficient to adequately provide such service. The Contractor personnel available at the Central Dispatch Station must have the ability and authority to take immediate action on behalf of the Contractor, as required. This station shall have a complete roster of all Security Officers assigned to County posts and hours to be worked. They must also be able to make contact with company management twenty-four (24) hours a day seven (7) days a week. Failure to comply with any of these requirements constitutes a material breach of this contract and may result in Liquidated Damages and/or a Vendor Non-Performance. The Contractor's offices and dispatch areas are subject to unannounced inspections by the County at anytime.

C) **System Quality**

Radio communications among system users (e.g., all County and Contractor personnel) are expected to be strong and clear at all times ("five by five"), both transmitting and receiving. The Contractor shall be totally responsible for providing and maintaining required system quality, as follows:

- 1) The Contractor shall use a network of repeaters of sufficient strength and capacity to service all sites specifically identified in this ITB.
- 2) The Contractor is responsible for ensuring that the speed and quality of radio communications are not detrimentally impacted by on-air congestion therefore, the Contractor should select a channel (e.g. frequency) that is not overloaded or shared by other security companies.
- 3) The Contractor must implement a program of maintenance and repair for all equipment to be used in the performance of this Contract. Such a program should ensure the optimum performance of all equipment at all times, thereby allowing the system to meet the service requirements and quality standards specified above.
- 4) The Contractor shall have a sufficient number of spare radios, chargers and charged batteries in stock to provide for those that are inoperative in the field or in the repair shop. Malfunctioning radios will be replaced within four hours.
- 5) The Contractor shall ensure that all radio equipment has sufficient operating power at all times during a tour of duty. It may be necessary for the Contractor to implement a system by which fresh batteries are delivered to the posts in order to meet this requirement. Wherever possible, the County will provide safe storage and electric power (for charging), but this cannot be guaranteed.

Exhibit "B"

SECTION 3
TECHNICAL SPECIFICATIONS

D) County Evaluation of Radio Communications System

The above criteria and all other facets of the Contractor's radio communications system shall be evaluated by County radio technicians or other person(s) designated by the County Contract Administrator or designee prior to the award of Contract. Should the system be judged inadequate to provide service within the contractual standards specified herein, and the Contractor is unable or unwilling to make changes deemed necessary by the County, the Bid may be rejected as non-responsive. Likewise, should there be a deterioration of performance during the term of this contract, and the Contractor is unable or unwilling to make necessary improvements, the County may terminate this Contract. The County shall be the sole judge of the adequacy of radio communications.

3.27 AUTHORIZED USE OF EQUIPMENT AND UNIFORMS

The uniforms and equipment shall be used only when Contractor personnel are on official duty or while in transit between their place of residence and assigned duty station. Furthermore, while in uniform, Contractor personnel are required to wear a complete uniform, and to be fully equipped. Contractor personnel shall not be permitted to have any unauthorized equipment such as chemical agents, concealed weapons/firearms, asps, personal radios, or other items not specifically approved in this Contract or by the County Contract Administrator or designee.

3.28 MAINTENANCE OF UNIFORMS AND EQUIPMENT

The Contractor is responsible for assuring that Security/Screening Officers maintain a clean neat, well kept appearance in accordance with Contract standards (e.g. pressed uniform, polished shoes, etc.). The Contractor is responsible for maintenance and replacement of uniforms, as necessary. Likewise, it is expected that all equipment used by the Contractor, provided by either party, shall be kept clean, well-maintained, and in safe operating condition at all times, free from defects or wear which may constitute a hazard to any person on County property.

Exhibit "C"

**2004 FOR PROFIT CORPORATION
ANNUAL REPORT**

FILED
Mar 17, 2004 08:00 AM
Secretary of State

DOCUMENT # P00000039791

1. Entry Name
VANGUARD SECURITY, INC.



Principal Place of Business

10145 N.W. 19 ST.
MIAMI, FL 33172

Mailing Address

10145 N.W. 19 ST.
MIAMI, FL 33172



03102004 No Chg-P CR2E034 (10/03)

DO NOT WRITE IN THIS SPACE

4. FEI Number
59-2227469

Applied For
Not Applicable

5. Certificate of Status Desired

☒ \$8.75 Additional
Fee Required

6. Name and Address of Current Registered Agent

SHOPAY, DAVID H
10145 N.W. 19 ST.
MIAMI, FL 33172

**DO NOT WRITE
IN THIS SPACE**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.

SIGNATURE

Signature, typed or printed name of registered agent and title if applicable

(NOTE: Registered Agent signature required when re-registering)

DATE

FILE NOW!!! FEE IS \$150.00
After May 1, 2004 Fee will be \$550.00

9. Election Campaign Financing
Trust Fund Contribution ☐

\$5.00 May Be
Added to Fees

000000090939
03/17/04-80039-009 158.75

10. OFFICERS AND DIRECTORS

FILE	D
NAME	SHOPAY, REBECCA
REET ADDRESS	10145 N.W. 19 ST.
TY-ST-ZIP	MIAMI, FL 33172
FILE	D
NAME	SHOPAY, DAVID
REET ADDRESS	10145 N.W. 19 ST.
TY-ST-ZIP	MIAMI, FL 33172
FILE	
NAME	
REET ADDRESS	
TY-ST-ZIP	
FILE	
NAME	
REET ADDRESS	
TY-ST-ZIP	
FILE	
NAME	
REET ADDRESS	
TY-ST-ZIP	

**DO NOT WRITE
IN THIS SPACE**

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(f), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath, that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes, and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address, with all other like empowered.

SIGNATURE:

David H. Shopay
SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR

3/10/04

305-592-9747
Daytime Phone #

Exhibit "D"

25

**2004 FOR PROFIT CORPORATION
ANNUAL REPORT**

FILED
Mar 17, 2004 08:00 AM
Secretary of State

DOCUMENT # P00000039801

1. Entity Name
FORESTVILLE CORPORATION



Principal Place of Business
6990 S.W. 8TH STREET, 2ND FLOOR
MIAMI, FL 33144

Mailing Address
6990 S.W. 8TH STREET, 2ND FLOOR
MIAMI, FL 33144



03102004 No Chg-P CR2E034 (10/03)

DO NOT WRITE IN THIS SPACE

4. FEI Number
65-0084398

Applied For
Not Applicable

5. Certificate of Status Desired

☒ \$8.75 Additional
Fee Required

6. Name and Address of Current Registered Agent

SHOPAY, DAVID
0145 NW 19 ST.
MIAMI, FL 33172

**DO NOT WRITE
IN THIS SPACE**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.

SIGNATURE

Signature, typed or printed name of registered agent and title if applicable.

(NOTE: Registered Agent signature required when reappointing)

DATE

FILE NOW!! FEE IS \$150.00
After May 1, 2004 Fee will be \$550.00

9. Election Campaign Financing
Trust Fund Contribution. ☐

**\$5.00 May Be
Added to Fees**

U00000090935
03/17/04-80039-004 158.75

OFFICERS AND DIRECTORS

1. NAME
D
SHOPAY, DAVID
2. STREET ADDRESS
10145 N.W. 19TH ST.
3. CITY-STATE-ZIP
MIAMI, FL 33172

4. NAME
D
SHOPAY, THOMAS
5. STREET ADDRESS
10145 N.W. 19TH ST.
6. CITY-STATE-ZIP
MIAMI, FL 33172

7. NAME
8. STREET ADDRESS
9. CITY-STATE-ZIP

10. NAME
11. STREET ADDRESS
12. CITY-STATE-ZIP

13. NAME
14. STREET ADDRESS
15. CITY-STATE-ZIP

16. NAME
17. STREET ADDRESS
18. CITY-STATE-ZIP

**DO NOT WRITE
IN THIS SPACE**

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(f), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath, that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes, and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address, with all other like empowered.

SIGNATURE:

David A. Shopay
SIGNATURE AND TYPED OR PRINTED NAME OF SIGNED OFFICER OR DIRECTOR

3/10/04
Date

305-592-9747
Daytime Phone #

Exhibit "E"

FEB. 25. 2005 3:10PM

NO. 499 P. 1/2

MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

February 25, 2005

DEPARTMENT OF PROCUREMENT MANAGEMENT
BIDS AND CONTRACTS DIVISION
111 N.W. 1st STREET
SUITE 1300
MIAMI, FLORIDA 33128-1974
(305) 375-5289
FAX: (305) 375-4407

Distribution List Below:

Re: Emergency Solicitation No. EM7797-2/07
Security Guard Services

Dear Vendor:

This letter serves as notice in accordance to Section 2, paragraph 2.6, that after evaluation of the Technical Response Section of this bid solicitation the following vendor(s) are being recommended for consideration of Step II, Pricing Response Section:

Forestville Corp.
50 State Security Service Inc.
DeLad Security Inc.
Vanguard Security Inc.
Alanis Security Inc.
Sereca Corp.
Milex Corp. (1985) Inc.
Security Alliance of Florida LLC

Vendors not being recommended for consideration of Step II, Pricing Response Section due to non-compliance with experience required, Section 2, paragraph 2.6, 1, A, "Competency of Bidders Prior Experience" and Section 3, paragraph 3.3, A, "Contractual Service Requirement (Experience)", are as follows:

Union Security Services Inc.
Las Top Security Inc.
Bayus Security Services
Kemp Security International
Universal Security Group, Inc.

The following vendor is not being recommended for consideration of Step II, Pricing Response Section, due to non-compliance with Section 3, paragraph 3.3, E, 2), "Contractor Office/Central Dispatch Center".

DSI Security Services

The following vendor is not being recommended for consideration of Step II, Pricing Response Section, due to non-compliance with Section 3, paragraph 3.3, C and D.

Gabriel Security Corp.

Exhibit "F"

FEB. 25. 2005 3:10PM

NO. 499 P. 2/2

Page - 2 -

Re: Emergency Solicitation No. EM7797-2/07

Please be advised that in accordance with Section 2, paragraph 2.6 of the above referenced solicitation, the Pricing Response Section will be opened on Wednesday, March 2, 2005, at 2:00 PM, at the Stephen P. Clark Center, 111 NW 1 Street, 18th Floor.

Bidders whose Technical Response was not in compliance with the bid requirements will have their Sealed Pricing Response Section unopened and returned after the completion of the bid award process.

Should you have any questions, please feel free to contact me at (305) 375-3022.

Sincerely,

Maria Hevia

Maria Hevia, Sr. Procurement Contracting Agent
Department of Procurement Mgmt.

Distribution List:

- Forestville Corp.
- 50 State Security Service Inc.
- DeLad Security Inc.
- Vanguard Security Inc.
- Alamis Security Inc.
- Sereca Corp.
- Milex Corp. (1985) Inc.
- Security Alliance of Florida
- Union Security Services Inc.
- Las Top Security Inc.
- Bayus Security Services
- Kemp Security International
- Universal Security Group, Inc
- DSI Security Services

Cc: Clerk of the Board
Bid File

28

DWYSYWD

**SECURITY
SERVICES**

P.O. BOX 7163 / 600 W. ADAMS ST.
DOTHAN, AL 36302
(334) 793-5720

February 28, 2005

Miami-Dade County

Miami, Florida

Attn: Ms. Maria Hevia

Senior Procurement Contracting Agent


RE: Bid EM7797-2/07

As of close of business today 2/28/05, DSI will have it's communications dispatch relocated to the branch office address of 8249 NW 36th Street, Suite 101, Miami, Florida 33166.

If you have any further questions please contact me at (305) 776-1599 or the corporate office at 1-800-239-5720.

Thank you,

DSI SECURITY SERVICES



Scott Ervin
Regional Manager

Exhibit "G"

"The safest choice you can make"

MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

DEPARTMENT OF PROCUREMENT MANAGEMENT
BIDS AND CONTRACTS DIVISION

111 N.W. 1st STREET

SUITE 1300

MIAMI, FLORIDA 33128-1874

(305) 375-5289

FAX: (305) 375-4407

March 2, 2005

DSI Security Services
P.O. Box 7163/600 W. Adams Street
Dothan, AL 36302
Attn: Scott Ervin

Re: Emergency Bid No. EM7797-2/07
Security Guard Services for Miami Dade County

Dear Mr. Ervin:

I am in receipt of your letter dated February 28, 2005, in which your company indicates that "As of close of business today 2/28/05, DSI will have it's communication dispatch relocated to the branch office address of 8249 NW 36th Street, Suite 101, Miami, FL 33166." Please be advised that after careful review of your letter and the pre-qualifications requirements as indicated on the solicitation there has been no change to the recommendation as described on our letter dated February 25, 2005.

Thank you for your interest in doing business with Miami Dade County.

Sincerely,

Maria Hevia, CPPB
Department of Procurement Management
Purchasing Division

Cc: Bid File
Clerk of the Court

Exhibit "H"



SECURITY SERVICES

8249 N. W. 36TH STREET
SUITE 101
MIAMI, FLORIDA 33168
(305) 470-0188
LICENSE AB 8700032

March 2, 2005

Maria Hevia, CPPB
Department of Procurement Management
111 NW 1st Street
Suite 1300
Miami, Florida 33128-1974

Re: **Protest of non-complaint declaration**

Thank you for taking further consideration of our compliance in regards to Section 3, paragraph 3.3, E, 2 (Contractor Office / Central Dispatch Center). We are in receipt of your letter dated March 2, 2005, which indicates the previous decision to consider DSI non-complaint in regards to "Contractor Office / Central Dispatch Center" still stands. While we respect your decision in this issue, we must protest this matter. We are protesting this matter with regards to Section 3, paragraph 3.26, D as found on page 50, "Should the system be judged inadequate to provide service within the contractual standards specified herein, and the Contractor is unable or unwilling to make changes deemed necessary by the County, the Bid may be rejected as non-responsive." DSI has both verbally and in writing indicated our ability and willingness to meet the communications requirements. Additionally, we have taken steps to ensure our compliance, specifically, as of 3/1/2005, our communications/dispatch center was relocated to the DSI Office at 8249 NW 36th Street, Suite 101, Miami, Florida 33166, and is ready for immediate inspection.

Thank you in advance for your consideration of our protest as outlined above. Please do not hesitate to contact Eddie Sorrells, Chief Operations Officer /General Counsel, at (334) 793-5720.

Sincerely,

Scott Ervin
Regional Manager

Cc: Jorge Silveira, Procurement Manager

Exhibit "I"

MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

March 4, 2005

DEPARTMENT OF PROCUREMENT MANAGEMENT
BIDS AND CONTRACTS DIVISION
111 N.W. 1st STREET
SUITE 1300
MIAMI, FLORIDA 33128-1974
(305) 375-5289
FAX: (305) 375-4407

All Responding Vendors (See Distribution List)

SUBJECT: Bid No. EM7797-4/07
Emergency Security Guard Services

Dear Vendors:

Evaluation of bids tendered in response to the above cited emergency solicitation has been completed. This letter serves as notice in accordance with Section 2, paragraph 2.6 of this solicitation, that after evaluation of the Pricing Response Section of this solicitation the following vendor(s) are being recommended for award as follows:

Delad Security Inc., Sector 1A
Alanis Security Inc., Sector 1B
Security Alliance of Florida LLC, Sector 1C
Vanguard Security Inc., Sector 1D
Forestville Corp., Sector 1E
Sereca Corp., Sector 2A
50-State Security Service Inc., Sector 2B
Milex Corp. (1985) Inc., Sector 2C

We appreciate the participation of all vendors which responded to the subject action. If you have any questions, please contact me at 305-375-3022 email MHevia@MiamiDade.gov.

Sincerely,

MIAMI-DADE COUNTY, FLORIDA

Maria Hevia, Sr. Procurement Contracting Agent

Exhibit "J"

Distribution List: Forestville Corp.
50 State Security Service Inc.
DeLad Security Inc.
Vanguard Security Inc.
Alanis Security Inc.
Sereca Corp.
Milex Corp.
Security Alliance of Florida LLC
Union Security Services Inc.
Las Top Security Inc.
Bayus Security Services
Kemp Security International
Universal Security Group, Inc.
DSI Security Services
Gabriel Security Corp.

cc: Clerk of the Board
Bid File



STEPHEN P. CLARK CENTER

March 4, 2005

DEPARTMENT OF PROCUREMENT MANAGEMENT
BIDS AND CONTRACTS DIVISION
111 N.W. 1st STREET
SUITE 1300
MIAMI, FLORIDA 33128-1974
(305) 375-5289
FAX: (305) 375-4407

All Responding Vendors (See Distribution List)

SUBJECT: Bid No. EM7797-4/07
Emergency Security Guard Services

Dear Vendors:

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Delad Security Inc., Sector 1A
Alanis Security Inc., Sector 1B
Security Alliance of Florida LLC, Sector 1C
Vanguard Security Inc., Sector 1D
Forestville Corp., Sector 1E
Sereca Corp., Sector 2A
50-State Security Service Inc., Sector 2B
Milex Corp. (1985) Inc., Sector 2C

We appreciate the participation of all vendors which responded to the subject action. If you have any questions, please contact me at 305-375-3022 email MHevia@MiamiDade.gov.

Sincerely,

MIAMI-DADE COUNTY, FLORIDA

Maria Hevia
Maria Hevia

Maria Hevia, Sr. Procurement Contracting Agent

CLERK OF THE BOARD
2005 MAR -7 PM 3:21
CLERK, CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY, FLA.

Distribution List: Forestville Corp.
50 State Security Service Inc.
DeLad Security Inc.
Vanguard Security Inc.
Alanis Security Inc.
Sereca Corp.
Milex Corp.
Security Alliance of Florida LLC
Union Security Services Inc.
Las Top Security Inc.
Bayus Security Services
Kemp Security International
Universal Security Group, Inc.
DSI Security Services
Gabriel Security Corp.

cc: Clerk of the Board
Bid File

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

STEPHEN P. CLARK CENTER

March 4, 2005

DEPARTMENT OF PROCUREMENT MANAGEMENT
BIDS AND CONTRACTS DIVISION
111 N.W. 1st STREET
SUITE 1300
MIAMI, FLORIDA 33128-1974
(305) 375-5289
FAX: (305) 375-4407

All Responding Vendors (See Distribution List)

SUBJECT: Bid No. EM7797-4/07
Emergency Security Guard Services

Dear Vendors:

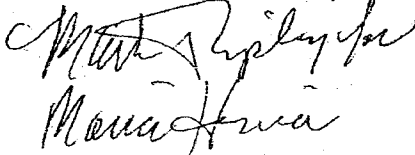
Evaluation of bids tendered in response to the above cited emergency solicitation has been completed. This letter serves as notice in accordance with Section 2, paragraph 2.6 of this solicitation, that after evaluation of the Pricing Response Section of this solicitation the following vendor(s) are being recommended for award as follows:

Delad Security Inc., Sector 1A
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Security Alliance of Florida LLC, Sector 1C
Vanguard Security Inc., Sector 1D
Forestville Corp., Sector 1E
Sereca Corp., Sector 2A
50-State Security Service Inc., Sector 2B
Milex Corp. (1985) Inc., Sector 2C

We appreciate the participation of all vendors which responded to the subject action. If you have any questions, please contact me at 305-375-3022 email MHevia@MiamiDade.gov.

Sincerely,

MIAMI-DADE COUNTY, FLORIDA



Maria Hevia, Sr. Procurement Contracting Agent

CLERK OF THE BOARD
2005 MAR -7 PM 3:21
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

Memorandum



Date: January 28, 2005

To: Honorable Chairman Joe A. Martinez and Members,
Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Report on Recent Activities of the Goods and Services Committee

As a result of the Hershel Gill Consulting Engineers, Inc. et. al. v.s. Metropolitan Dade County, I created the Goods and Services Committee. This committee is charged with reviewing all current contracts and solicitations affected by the Hershell Gill decision with the purpose of making recommendations regarding those projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities.

The initial Report (Attachment A) was forwarded on October 13, 2004, advising you of actions taken by the Committee at its meetings of September 22, 2004 and October 5, 2004.

I am now forwarding this second Report to advise of actions taken since then (Attachments B). The Committee reviewed and made recommendations for 9 solicitations that were previously identified by the client departments as meeting the pre-established criteria. It tabled one solicitation for subsequent review after the next regularly scheduled Budget and Finance Committee meeting which was scheduled for November 12, 2004, but was not held due to lack of quorum. It also recommended that 9 pending solicitations which had not been previously identified as being critical be cancelled or rejected until the implementation of the new Small Business Enterprise (SBE) program (Attachment C).

As a final note, there are 53 contracts, which do not contain measures that are due to expire between January 1, 2005 and December 31, 2005, where both all available options to renew and extensions under my delegated authority have been exhausted. Additional authority may be required to extend these contracts to give priority to replace those contracts with measures which cannot be replaced, extended or modified. I will, therefore, be presenting an item to you requesting this additional extension authority.

I am available to discuss this with you at your convenience.

Attachment

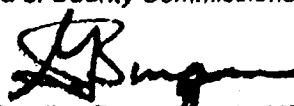
cc: Robert Ginsburg, County Attorney
Assistant County Managers
Department Directors
Marvin O'Quinn, President, Public Health Trust

Memorandum



Date: OCT 13 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Report on Status of Pending Procurements Affected by Recent Federal Court Decision

On August 20th, 2004, Federal District Court Judge Adelberto Jordan issued a ruling in the case of Hershel Gill Consulting Engineers, Inc. et al, v. Metropolitan Dade County. This is the second federal court decision finding that the County's B/H/WBE programs do not meet the rigorous prerequisites required for the application of race-, ethnicity- or gender-conscious measures to county contracting. The County Attorney advised the effect of these two federal court decisions is that the B/H/WBE programs can no longer be applied to the bid and award of any County contract. The County Attorney directed, as a matter of law, that certain actions be taken with regard to pending procurements that had been advertised with B/H/ or WBE measures, but not yet awarded (see Attachment A). This report summarizes the status of the affected procurements and our proposed actions with regard to them.

Impacted Solicitations

There are currently seventy (69 DPM, 1 Aviation) solicitations that have been impacted. (see Attachment B). Of the 69 DPM solicitations with measures, two (2) were en route to the September and October Board meetings for award, two (2) were en route for award under the Manager's delegated authority, and six (6) were pending approval for Requests to Advertise at the September and October Board meetings. Thirty-five (35) solicitations with contract measures have been opened but not awarded, and nine (9) have been advertised and not opened. The remaining fifteen (15) solicitations were assigned RC measures, but not advertised. A significant number of solicitations listed on the attachment are successors to ones that are expiring within a very short timeframe or have already expired. Others are new solicitations that address critical needs. There are numerous contracts with measures due to expire during the next six months that can not be extended, modified or renewed. For some of these, a short term solution will be implemented in order to determine if the new small business program will be appropriate. The short term solutions may include competitive emergency solicitations or competitive temporary bid waivers until a new program is established and firms are certified.

It is important to note that the goods and services to be purchased under the majority of the listed solicitations are needed for continuity of critical infrastructure and service operations for many of our County departments, and in some cases, critical to meeting required timeframes for priority County projects. Of the 70 listed, some can be delayed for a period of 4-6 months, should the Board desire to establish a small business program for goods and services. Others may need to move forward due to time, money and operational necessity. It is my plan to evaluate all current solicitations with measures to determine whether alternate actions are immediately required. These solicitations will be carefully reviewed on a case-by-case basis by the Goods and Services Committee (see Attachment C). The Departments of Procurement Management and Business Development and each of the user departments are involved in this effort to determine if an immediate action is required. The Committee has met on four occasions to date to review affected projects. I have attached a list reflecting actions taken by the Committee (see Attachments D and E). To date the Committee has approved the following: 1) For active contracts containing measures that are critical for continuity of operations and

Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners
Memorandum
Page 2

which cannot wait for the implementation of a small business program, staff will issue a competitive solicitation for 12 months with a 6 month option-to-renew using the most appropriate procurement method. 2) For contracts without measures which expire within the next 12 months, staff will process extensions for a 12 to 18 month period in order to allow DPM staff, in collaboration with the user departments, to give priority to replacing those contracts with measures (discussed in Item #1).

One such case was presented on the September 9th Board agenda. The items in the Bid Award package for approval to advertise bids for the purchase of County fleet vehicles were approved by the Board without the contract measures (bid preferences) previously established by the Review Committee in order to meet the manufacturers' production deadlines for the 2005 model year. Three other items for approval to advertise for which the Review Committee had recommended the application of bid preferences, are less urgent and were removed from the September 9th Board agenda for the case-to-case evaluation described above.

We have developed an ordinance for your consideration establishing a small business enterprise program for the procurement of goods and services. This item is included for first reading on October 19, Committee review in November and second reading by the full Board in late November or early December. I am available to discuss this with you at your convenience.

Attachments

cc: Robert Ginsburg, County Attorney
Assistant County Managers
Department Directors
Marvin O'Quinn, President, Public Health Trust



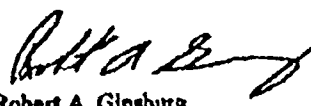
MEMORANDUM

Attachment A

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. DATE: August 23, 2004
and Members, Board of County Commissioners

Hon. Alex Penciaz,
Mayor, Miami-Dade County

George M. Burgess
County Manager

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Hershell Gill Consulting
Engineers, Inc. et al., v.
Metropolitan Dade County
(Affirmative Action case -
Architectural and Engineering
services)

Late Friday, I transmitted to you a copy of U.S. District Judge Adalberto Jordan's order finding the architectural and engineering aspects of the County's Black, Hispanic and Women Business Enterprises (B/H/WBE) programs unconstitutional.

This is the second federal case finding that the County's B/H/WBE programs do not meet the rigorous prerequisites required for the application of race, ethnic and gender-conscious measures to county contracting. The first case pertained to construction contracts.¹ Friday's order pertains to architectural and engineering contracts.² The Court found the County lacks the required evidence of discrimination against Black, Hispanic and Women-owned architectural and engineering firms sufficient to justify application of the B/H/WBE programs to the County's acquisition of architectural and engineering services. The Court's order also found that the programs' measures (i.e., set-asides, subconsultant goals and selection factors) are not narrowly tailored to remedy any discrimination.

¹ *Engineering Contractors Ass'n v. Metropolitan Dade County*, 943 F.Supp. 1546 (S.D. Fla. 1996), *aff'd*, 122 F.3d 895 (11th Cir. 1997). As a result, the county has not applied B/H/WBE measures to construction contracts for the past 7 years.

² The court previously entered a preliminary injunction against the County's application of the B/H/WBE programs to its purchase of architectural and engineering services. Thus, for the past 3 years, the County has not applied measures for these services.

Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Hon. Alex Pencilas
Mayor, Miami-Dade County

George M. Burgess
County Manager

Page 2

practiced against BBE and HBB firms and are not substantially related to remedying discrimination against WBE firms.

The B/H/WBE programs are based on the results of disparity studies done in the early 1990's. Two federal judges have now found those studies, as supplemented by post enactment studies done for trial, constitutionally insufficient.

The plaintiffs in this second federal case claimed that the County Commissioners should each be subjected to punitive damages, but Judge Jordan declined to award them. His order, however, noted that there is another County case³ pending before him challenging application of the B/H/WBE programs to the purchase of security guard services, and stated that "Should that case proceed to trial, and should the record be as constitutionally deficient as it was here, punitive damages will be a virtual certainty."

The effect of these two federal court rulings, applying the law announced by the U.S. Supreme Court in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), is that the B/H/WBE programs can no longer be applied to the bid and award of any County contract.

The County Manager, therefore, is directed, as a matter of law, to issue addenda deleting BBE, HBB and WBE measures from all County solicitations currently out for bid. For those solicitations containing BBE, HBB or WBE measures for which bids have already been opened and no award has been made, the County Manager is directed to cancel those solicitations and re-bid them without measures. Awarded contracts containing BBE, HBB or WBE measures are unaffected by this direction and such measures may be enforced in accordance with the terms of the awarded contract.

³ *50 State Security, et al. v. Miami-Dade County et al.*, No. 01-268-Civ-Jordan.

44

CURRENT DPM PROJECTS WITH MEASURES

ATTACHMENT B

Reviewed by RC and Not Ready for Advertisement

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
RQPM0400123	AVIATION/	CAREER APPAREL	\$150,000.00	11/30/2004	6467-2/04-2	NO
RQPM0400154	PUBLIC WORKS	UNIFORMS FOR BALIFFS	\$39,595.00	9/14/2004	IB5954-0/04	YES
RQPM0400184	CORRECTIONS	MEDICAL SUPPLIES (HEAD AND CERVICAL)	\$87,000.00	11/30/2004	6307-2/04-2	NO
7719-4/09	MED/FIRE	MEDICAL SUPPLIES	\$1,000,000.00	9/30/2004	5143-2/05	YES
IB5815		HIGH SECURITY CUSTOMIZED BANKING SUPPLIES	\$61,700.00	N/A	N/A	N/A
RQPM0400223	COUNTY WIDE	COPIER/PRINTERS MAINTENANCE SERVICES	\$750,000.00	N/A	N/A	N/A
RQPM0400218	AVIATION	RED MULCH	\$116,013.00	1/31/2005	IB6840-2/04-2	NO
RQPM040045	POLICE DEPT.	PLASTIC TUBING FOR ANIMAL SERVICES	\$122,500.00	11/30/2004	IB6478-0/04	NO
AVCW0400509	FINANCE	DEBTOR LOCATION SERVICES	\$100,000.00	N/A	N/A	N/A
RQPM0400238	GSA	RESTROOM DEODORIZER SERVICES	\$44,000.00	10/31/2004	IB6131-1/05	YES
RQDE0400007	DERM	ENVIRONMENTAL EDUCATION APPAREL	\$70,705.00	N/A	N/A	N/A
RQPM0400249	COUNTY WIDE	READY MIXED CONCRETE AND PUMPING SERVICES	\$3,255,000.00	10/31/04	6827-3/06	NO
RQPM0400255	COUNTY WIDE	VINYL TILES ADHESIVE AND RELATED ITEMS	\$480,000.00	12/31/04	4979-2/05-1	NO
RFQ 65	COUNTY WIDE	IT PERSONNEL SERVICES	\$6,000,000.00		173	YES
RFP 432	GSA	CHEMICAL WATER TREATMENT SERVICES OF HVAC	\$1,350,000.00	1/31/2005	4764-0/00	NO

* Added to this List

Advertised and Not Yet Opened

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
5961-2/08	POLICE DEPT.	VEHICLE RENTAL SERVICES	\$3,000,000.00	2/20/05	E5961-0/03-1	NO
6687-2/07	AVIATION/CR/GSA/PD/	POLO SHIRTS	\$257,125.00	10/31/04	6687-2/03-2	YES
7702-2/07	PM/PW	EMS TRAINING	\$158,000.00	N/A	N/A	N/A
7708-3/09	FIRE	TOWING & DISPOSAL OF ABANDONED PROPERTY	\$100,000.00	11/30/04	E7581-0/04	NO
IB6501-2/07	HS/TM	BICYCLE PATROL BOOTS	\$32,000.00	10/31/04	IB6501-2/04-2	NO
5057-4/09	POLICE DEPT.	PLUG VALVES & OPERATORS	\$450,000.00	1/31/05	5057-2/02-2	YES
7717-0/05	WASD	AUDIO RECORDING EQUIPMENT TO SUPPORT 911 SYSTEM	\$425,000.00	N/A	N/A	N/A
RFP 425	POLICE DEPT.	INVESTIGATIVE SERVICES RISK MGMT. DIVISION	\$500,000.00	12/24/04	186	YES
RFP 411	GSA	INVESTMENT MANAGEMENT SYSTEM	\$300,000.00	N/A	N/A	N/A

CURRENT DPM PROJECTS WITH MEASURES

Opened and Not Yet Awarded

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO	Does the current contract have measures? Yes or No
7505-3/08(a)	MDTA	JANITORIAL SERVICES FOR METRO RAIL STATIONS FACILITIES	\$2,000,000.00	9/30/2004	E7630-0/04	YES
*7505-3/08(b)			\$2,000,000.00	9/30/2004	E7631-0/04	NO
5682-3/08	WASD	PERSONNEL AGENCY SERVICES	\$6,000,000.00	10/31/04	5683-3/01-3	YES
6786-4/09	CORRECTIONS	MATTRESSES/ BOX SPRINGS/BED LINENS & RELATED ITEMS	\$495,000.00	12/31/04	6786-2/05	NO
IB6671-2/07	AVIATION/ CORRECTIONS	BIOLOGICAL DRAIN MAINTENANCE- PREQUALIFICATION	\$35,750.00	10/31/04	6671-1/03-1	NO
5164-3/09	SOLID WASTE	TEMPORARY LABORERS/WASTE COLLECTION SERVICES	\$2,767,000.00	3/31/05	5164-4/08	YES
7607-4/09	GSA	OFFSET PRINTING FLAT SHEET (LITHOGRAPHIC)	\$900,000.00	10/31/04	0769-3/05-1	NO
6285-2/08	AV/CA/GS/HD/HS/MT/PR/P W/SP/SW/WS	FIRST AID SUPPLIES	\$416,000.00	9/30/04	6285-2/03-2	NO
3970-3/09	WASD	PIPE & FITTINGS, PVC- PREQUALIFICATION	\$400,000.00	N/A	3970-2/01-2	N/A
6386-2/08	FIRE	ECG ELECTRODES	\$230,000.00	N/A	6386-1/03-1	N/A
7623-2/07	GSA/PARKS	GOLF SHIRTS WITH EMBROIDERED LOGO	\$99,000.00	N/A	IB6648-2/03-2	N/A
7646-4/09	AV/WA/CR/IT/MT/PR/PW/WS P/SW/WS	METALS PRE-QUALIFICATION	\$400,000.00	N/A	5453-0/02	N/A
7001-4/09	MDTA	TOWING SERVICES FOR MDTA	\$400,000.00	PENDING	TBW7001-0/04	N/A
5437-3/08	BL/CR/DE/FR/GS/HD/HS/L B/MT/PD/PR/PZ/SP/VZ/WS	LOCKSMITH SERVICES	\$416,000.00	N/A	5437-2/04-1	N/A
6553-3/09	GSA	ELECTRONIC PRE-PRESS & GRAPHIC DESIGN PERSONNEL	\$488,500.00	9/30/04	6553-0/03	N/A
IB7452-2/07	LIBRARY	JANITORIAL SERVICES FOR THE MIAMI-BEACH LIBRARY	\$30,000.00	9/30/2004	IQ7452-0/04	NO
1003-2/09	WASD	DRAINAGE MATERIALS (Pre-qualification)	\$844,500.00	N/A	1003-0/01	N/A
7659-0/06	CAWS/PR/FR	PADLOCKS & OTHER SECURITY HARDWARE	\$85,000.00	N/A	N/A	N/A
7038-2/07	TRANSIT	NUTS & BOLTS INVENTORY (FURNISH/DELIVER/SET-UP)	\$200,000.00	10/31/04	2/6/7038	NO
5682-3/08B	WASD	PERSONNEL AGENCY SERVICES (SUPPLEMENTAL)	\$429,184.00	10/31/04	5683-3/01-3	YES
7677-0/09	WASD	METERS FOR WATER SVC/PARTS/ACCESSORIES- PREQUALIFICATION	\$7,500,000.00	11/30/04	BW6596-3/04-3	NO
7672-2/07	COUNTY WIDE	EMBROIDERED PATCHES	\$104,500.00	N/A	IB6435-2/03-1	N/A
7680-4/09	AVIATION	CARPET & RELATED FLOORING	\$550,000.00	N/A	N/A	N/A
IB7679-3/08	WASD	STEEL COVER PLATES & ASSEMBLIES	\$70,000.00	N/A	N/A	N/A
IB7691-2/07	AV/CR	BIOLOGICAL DRAIN & GREASE TRAP MAINTENANCE	\$37,000.00	10/31/04	6671-1/03	NO
7694-1/07	GSA	JANITORIAL SVCS FOR VARIOUS GSA PROPERTIES	\$313,000.00	N/A	N/A	N/A
IB5342-3/08	WASD	LIFTING SLINGS & ROPE	\$38,500.00	11/30/04	IB5342-2/04-2	NO
RFQ 61	PARK & REC.	PARK PLANNING SERVICES POOL	\$2,700,000.00	N/A	N/A	N/A

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CURRENT DPM PROJECTS WITH MEASURES

Opened and Not Yet Awarded (continue)

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
WOPR 45-14	TRANSIT	COST ALLOCATION MODEL	\$100,000.00	N/A	N/A	RFQ HAS MEASURES
WOPR 45-15	DBD	DEPT. OF BUS. DEVELOPMENT PROCESS REVIEW	\$75,000.00	N/A	N/A	RFQ HAS MEASURES
RFP 427a	CITT	FINANCIAL CONSULTING SERVICES FOR CITT	\$1,500,000.00	N/A	N/A	N/A
RFP 360a	WASD/AVIATION	FINANCIAL SYSTEM (ERP) FOR WASAD & MDAD	\$16,000,000.00	N/A	N/A	N/A
RFP 360b	WASD/AVIATION	ERP	\$750,000.00	N/A	N/A	N/A
7621-5/10	ETSD	DATASTREAM IMPLEMENTATION SERVICES POOL	\$9,000,000.00	N/A	N/A	N/A
7620-5/10	ETSD/COUNTY WIDE	INFORMATION TECHNOLOGY POOL	\$11,000,000.00	N/A	Multiple State Contracts	No
RFP MDAD	AVIATION	FINANCIAL FEASIBILITY	\$1,000,000.00			

Pending Award by DPM

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
RFP 399		SCALEHOUSE ACCOUNTING & VIDEO SYSTEM	\$385,000.00	N/A	N/A	N/A
RFP 434	OSBM	PERFORMANCE MANAGEMENT SYSTEM	\$300,000.00	N/A	N/A	N/A

In Route for RTA to BCC 9/9/04

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
6326-3/04-3	SOLID WASTE	OPEN & CLOSE REFUSE TRAILERS	2,776,720.00	10/31/2004	6326-3/04-3	NO
5458-0/06	POLICE DEPT.	2005 POLICE VEHICLES	6,408,000.00	N/A	N/A	N/A
5203-0/06	GSA	2005 VANS	2,400,000.00	N/A	N/A	N/A
RQPM0400164 (5066-2/03-2)	PARKS & REC. / PUBLIC WORKS	TREES & PALMS	3,605,000.00	4/30/05	5066-2/03-2	NO

Pending Award by BCC 9/9/04

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
6181-3/09	COUNTY WIDE	TEMPORARY TECHNICAL PERSONNEL	\$23,000,000.00	9/30/04	6181-2/02-2	NO

CURRENT DPM PROJECTS WITH MEASURES

In Route for RTA to BCC 10/5/04

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
RQPM0400229 (6763-2/04-2)	WASD	JANITORIAL SERVICES FOR WASH SITES	500,000.00	9/30/2004	6763-2/04-2	YES
RQPM0400185 (190-ZZ05-2)	CAA	CLASSROOM MATERIALS AND SUPPLIES	\$440,000.00	N/A	190-ZZ05-2	N/A

Pending Award by BCC 10/5/04

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No
7533-4/09	GSA/COUNTY WIDE	REPRODUCTION & BINDING SVCS TO INCLUDE ARCHITECTURAL DOCS	\$1,012,000.00	12/31/2004	6125-2/01-2	NO

ATTACHMENT C

Memorandum



Date: September 22, 2004

To: Those Listed Below

From: George M. Burgess
County Manager

A handwritten signature in dark ink, appearing to read "G. Burgess".

Subject: Appointment of Committee to Review Contract Solicitations Affected by the August 20, 2004 Gill Decision

I am appointing you to serve as a member of the Committee charged to review all current contract solicitations affected by Judge Adalberto Jordan's August 20, 2004 ruling in the Herzberg Gill case. Please consider all procurement solicitations affected by the ruling and submit recommendations regarding those projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. Please include in your deliberations policy recommendations for addressing contracts that are expiring and cannot be renewed or extended because they included minority program measures at the time of their advertisement. Thank you for your participation in this process.

Distribution List

Alex Munoz, Assistant County Manager, Chairperson
Pete Hernandez, Assistant County Manager
Tony Crapp, Assistant County Manager
Judi Zito, Chief Information Officer
Susanne Toriente, Assistant County Manager

Cc: Marsha Jackman, Director, DBD
Theodore G. Lucas, Director, DPM

ATTACHMENT D

Department	Project Name	Motions	Approved Actions	Criteria
Building ETSD GSA	Temporary IT Technical Personnel	Motion: Judy Zito Second: Pete Hernandez	Access State Contract	1,2
Building, CAA GSA, Parks	Temporary Technical Personnel	Motion: Pete Hernandez Second: Judy Zito	Continue extending on a month to month until new program is in place	1, 3, 5 and 6
Building GSA, Parks	Reproduction and Binding Svcs.	Motion: Pete Hernandez Second: Judy Zito	Go to BCC with Extension	1,6
ETSD	ERP	Motion: Judy Zito Second: Pete Hernandez	Reject and submit to BCC for permission to readvertise without measure	1,2, 4 and 6
ETSD GSA	Datastream Pool	Motion: Judy Zito Second: Pete Hernandez	Go to BCC and access State Contract or U.S. Communities	1, 2, and 3
ETSD	Audio Recording Equipment	N/A	Reject all bids Bid cancelled subsequent to Federal Ruling	N/A
Water and Sewer GSA, Parks	Ready-Mixed Concrete	Motion: Pete Hernandez Second: Judy Zito	Exercise OTR on interim basis. Remove measures Go to the BCC for approval to Advertise. Advise RC	5,6

Department	Project Name	Motions	Approved Actions	Criteria
Water and Sewer	Plug Valves and Operators	Motion: Pete Hernandez Second: Judy Zito	Table until next week	1, 3, 5 and 6
Water and Sewer	Temporary Personnel Agency	Motion: Pete Hernandez Second: Judy Zito	Reject all bids Process emergency for 6 months with a 6 months option to renew	1, 2, 3, 5 and 6
Water and Sewer	PVC Pipe and Fittings	Motion: Pete Hernandez Second: Judy Zito	Reject all bids Process emergency for 6 months with a 6 months option to renew	1, 3, 4 and 5
Water and Sewer	Water Meters	Motion: Pete Hernandez Second: Judy Zito	Go to BCC for Extension of Bid Waiver. Reject all bids and hold for new program	2, 4
Water and Sewer	Steel Cover Plates	Motion: Pete Hernandez Second: Judy Zito	Reject all bids Advise RC Process emergency for 6 months with a 6 months option to renew	2, 4
Water and Sewer	Lifting Slings and Ropes	Motion: Judy Zito Second: Pete Hernandez	Reject all bids Extend administratively for 6 mos. Hold for new program	N/A
Water and Sewer Parks	Metal and Fabrication	Motion: Judy Zito Second: Pete Hernandez	Reject all Bids. Issue Bid Waiver (Pool) for 6 months with 6 month option to renew Hold for new program	3, 5
Water and Sewer	Janitorial Svcs./WASD Sites	Motion: Pete Hernandez Second: Judy Zito	Tabled until next meeting	N/A

Department	Project Name	Motions	Approved Actions	Criteria
Water and Sewer Transit	Nuts, Bolts, Screws	Motion: Pete Hernandez Second: Judy Zito	Reject all bids. Issue Temporary Bid Waiver for less than \$100K for one year Hold for new program	1, 6
Water and Sewer	Mechanical Joint Tapping Sleeves	N/A	Not considered	N/A
Police	Vehicle Rental Services	N/A	Table until next meeting	N/A
Police	2005 Police Vehicles	N/A	Solicitation was approved by the Board to advertise without measures	N/A
CAA	Classroom Supplies	Motion: Pete Hernandez Second: Judy Zito	Remove measures and proceed to access other entity contract (1st alt) or process short term bid waiver for 6 months with 6 months OTR(2nd alt) Advice RC	2, 3
Aviation	Carpet and Related Items	Motion: Pete Hernandez Second: Judy Zito	Reject and Advise RC Committee Access U.S. Communities Contract	1, 5
Aviation	Insurance Contract (MAC Pool)	Motion: Pete Hernandez Second: Judy Zito	Aviation will go reject and re-advertise without measures Reject all bids	3

Department	Project Name	Motions	Approved Actions	Criteria
GSA, Parks	Copier/Printer Maintenance	Motion: Pete Hernandez Second: Judy Zito	Remove measures. Advise RC Committee. Issue bid for 1 yr. To be awarded administratively	1
GSA, Parks	Vinyl Tile, Adhesives	Motion: Pete Hernandez Second: Judy Zito	Exercise Option to Renew for 1 yr.	N/A
GSA	Chemical Water Treatment HVAC	Motion: Judy Zito Second: Pete Hernandez	Submit to BCC to extend current contract for 6 months Remove measures and re-advertise Notify R C	1, 3, 5 and 6
GSA	Offset Printing Flat Sheet	Motion: Pete Hernandez Second: Judy Zito	Access other entity contract as interim, then process emergency for 6 months with 6 month option to renew Reject all bids	1, 2, 3, 4 and 6
GSA, Parks	Locksmith Services	Motion: Pete Hernandez Second: Judy Zito	Issue Temp. Bid Waiver up to \$100K & Emergency for 6 months with 6 months Option to Renew Reject all bids	1, 2 and 5
GSA, Parks	Electronic PrePress Personnel	Motion: Pete Hernandez Second: Judy Zito	Issue Temp. Bid Waiver up to \$100K & Emergency for 6 months with 6 months Optio To Renew Reject all bids	1, 2 and 4
GSA	Janitorial Services/GSA Sites	N/A	Table until next meeting	N/A
GSA	IT Technology Pool	Motion: Judy Zito Second: Pete Hernandez	Submit to BCC for request for permission to access U.S. Communities Contract Reject all bids	1, 2, and 3

Department	Project Name	Motions	Approved Actions	Criteria
Parks	Medical Supplies (Head/Cervical)	Motion: Judy Zito Second: Pete Hernandez	Extend administratively for 6 months	5
Parks	First Aid Supplies	Motion: Pete Hernandez Second: Judy Zito	Access other entities or issue emergency for 6 months with 6 months option to renew wait for new program Reject all bids	1, 5 and 6
Parks	Staff Uniform Shirts	Motion: Judy Zito Second: Pete Hernandez	Change name of contract to Staff Uniform Shirts proceed with a bid for 6 months/ 6 months OTR Reject all bids	1, 5
Parks	Embroidered Patches	Motion: Judy Zito Second: Pete Hernandez	Issue bid for 6 months with 6 months Option To Renew Reject all bids	1, 5
Parks	Padlocks & Other Security Hdw.	Motion: Pete Hernandez Second: Judy Zito	Reject all bids and re-advertise. Process bid for six months with 6 months option to renew Advise RC	5
Parks	Park Planning Services Pool	Motion: Pete Hernandez Second: Judy Zito	Use the assistance of other Depts. Option will be reviewed by Parks Reject all bids and re-issue without measures	1, 2, 3, 4, 5 and 6
Parks	Trees and Palms	Motion: Judy Zito Second: Pete Hernandez	Remove measures and advise RC Issue bid for 1/2 the estimated value (\$1.8M) The rest will wait for new program	1, 2 and 4
Transit	Janitorial Svcs/Metrorail	N/A	Tabled until next meeting	N/A
Transit	Towing Services, MDT	N/A	Department not in attendance	N/A

Attachment E

Department	Project Name	Motions	Approved Actions	Criteria
DPM	Expiring Contracts and Options to Renew on Contracts W/Measures	Motion Tony Crapp Second Judy Zito	Whenever contracts expire, work with dept. to issue a solicitation for 12 months with 6 month OTR using most appropriate procurement method	1
DPM	Expiring Contracts without Measures	Motion Tony Crapp Second Judy Zito	Extend contracts expiring within the next 12 months, for an additional 12 month with a 6 month option	1
DPM	Remaining Solicitations Not Identified or Reviewed by Committee	Motion No Action Second	No Action	N/A
Water and Sewer	Bid No. 5057-4/09 - Plug Valves and Operators	Motion Judy Zito Second Tony Crapp	Addendum removing measures Issue solicitation for 6 months with a 6 months Option to Renew	1, 3 + 5
Police	Bid No. 5961-2/08 Vehicle Rental Services	Motion Judy Zito Second Tony Crapp	Exercise OTR , Cancel Bid Evaluate opportunity for next competition	N/A
DPM	Bid No. 7533-4/09 Reproduction and Binding Svcs.	Motion Judy Zito Second Tony Crapp	Issue solicitation for 1 year with 6 months OTR	1

Department	Project Name	Motions	Approved Action	Criteria
Parks	RFP for Park Planning Services Pool	Motion Tony Crapp Second Judy Zito	Issue solicitation for 3 years for \$30,000 per year	1, 2 + 4
CITY	RFP 427a Financial Consulting Services for CITY	Motion N/A Second	Tabled Until Next Meeting	1, 2, 3, 4 + 6
Solid Waste	RFP 399 Scalehouse & Billing System Software	Motion Tabled Until Next Week Second	Tabled Until Next Week Dept. to Justify Emergency	1, 6
Solid Waste	Bid No. 5164-3/09 Temporary Labor/Waste Collection	Motion Judy Zito Second Tony Crapp	Reject all bids issue Bid Waiver for 12 months with 6 months OTR	1, 2 + 5
Solid Waste	Bid No. 6326-3/04-3 Open and Close Refuse Trailers	Motion Judy Zito Second Tony Crapp	Move without measures	1, 2 + 5
DERM	Environmental Education Apparel	Motion Tony Crapp Second Judy Zito	Issue solicitation for 1 year / 1 OTR	1, 4 + 6
Transit	Bid No. 7001-4/09 Towing Services for MDT	Motion Tony Crapp Second Judy Zito	Reject all Bids Issue solicitation for 1 year with 6 months OTR	1, 2 + 5

Department	Project Name	Motions	Approved Action	Criteria
Transit	WOPR 45-14 Cost Allocation Model	Motion Tony Crapp Second Judy Zito	Reject all Bids and Re-Advertise without Measures	1, 2 + 3
Police	IB6501-2/07 - Bicycle Patrol Boots	Motion Judy Zito Second Tony Crapp	Extend current contract for 6 months	1, 3 + 5
Aviation	Project No. J104A RFP for MIA Mover APM System	Motion N/A Second	Table Item Until Next Week	2 + 4
Fire Rescue	Bid No. 7719-4/09 Medical Supplies	Motion Tony Crapp Second Judy Zito	Move forward without Measures One year plus 6 month OTR	1, 5 + 6
Fire Rescue	Bid No. 7702-2/07 EMS Training	Motion N/A Second	Cancel Solicitation and hold for new SBE program	N/A
Fire Rescue	Bid No. 6386-2/08 ECG Electrodes	Motion Judy Zito Second Tony Crapp	6 months Emergency	1, 5
GSA	RFP 425 Investigative Services	Motion Tony Crapp Second Judy Zito	BCC Extension Cancel Solicitation	1, 6

Department	Project Name	Motion	Motions	Approved Action	Criteria
OSBM	RFQ 44 Contract Public Employees Survey Pool	Motion Tony Crapp Second Judy Zito		Replace Pool and concurrently solicit a Resident Satisfaction Survey. Term of Replacement Pool is One Year with 4 OTRs with provision that all work orders to be reviewed by RC. Term of Resident Satisfaction Survey is one year	1, 2 + 4 - Resident Satisfaction Survey
OSBM	MACS Pool - CRA category	Motion Tony Crapp Second Judy Zito		Replace the MACS Pool and add a section for CRA Individual Work Orders to be reviewed by RC. 1 year with 4 OTR	1, 2, 3 + 4
OSBM	RFP 434 Performance Mgmt. System	Motion Tony Crapp Second Judy Zito		Reject all Bids Re-Advertise immediately 2 years with 1 yr OTR	1, 2 + 4
DPM	BW6628-2/04-1 Janitorial Services for GSA Properties	Motion N/A Second		Table Until Next Meeting in order to consult with CAO in reference to RESPECT of Florida	N/A
Library	IB 7452-2/07 Janitorial Services for Miami Beach Library	Motion Tony Crapp Second Judy Zito		Reject all Bids Re-Advertise 1 year with 6 month OTR	1
		Motion Second			

Attachment B

Goods and Services Project Review Form

October 21, 2004

Department	Project Name	Motions	Approved Actions	Criteria
DPM	Solicitations Pending Committee Review Not Previously Identified	Motion Tony Crapp Second Susanne Torriente	Cancel or reject	1
CITT	RFP 427A Financial Consulting Services	Motion Tony Crapp Second Susanne Torriente	Reject all RFPs. Issue a replacement for 1 year with a 6 months OTR	1, 2, 3, 4 and 6
Solid Waste	RFP 399 Scalehouse & Billing System Software	Motion Susanne Torriente Second Tony Crapp	Issue Emergency for 5 years	1, 5
Aviation	Project No. J104A MIA Mover APM System	Motion Tony Crapp Second Susanne Torriente	Remove janitorial component to wait for new program Proceed with the operation/ maintenance component	2, 4
DPM	BW 6628 - Janitorial Services GSA	Motion Tony Crapp Second Susanne Torriente	Eliminate bid waiver. Negotiate with Respect of Florida	5
Finance	RFP 411 Investment Management Systems	Motion Tony Crapp Second Susanne Torriente	Table until after 11/12/04	1

Attachment B

Goods and Services Project Review Form

October 21, 2004

Department	Project Name	Motions	Approved Action	Criteria
Corrections	Bid 6786-4/09 Mattresses/Related Items	Motion Susanne Torriente Second Tony Crapp	Process 6 months extension for BCC approval	1, 3, and 5
Corrections	IB7691-2/07 Biological Drain Maintenance	Motion Tony Crapp Second Susanne Torriente	Process bridge emergency contract if needed and do an informal quote for one year	5
DBD	WOPR 45-14 DBD Development Process Review	Motion Tony Crapp Second Susanne Torriente	Move without measures	4
DPM/WASD	1003-2/09 Drainage Materials	Motion Tony Crapp Second Susanne Torriente	Reject all bids and issue an open pool for 2 years	1, 5
GSA	Security Guard Contracts	Motion Susanne Torriente Second Tony Crapp	Prepare report for B&F, PS and GOE committees advising of intent to move forward with a competitive emergency for 1 year with a month to month OTR.	1, 5

CURRENT DPM PROJECTS WITH MEASURES

Attachment C

Reviewed by RC and Not Ready for Advertisement

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
RQPM0400123	AVIATION/ PUBLIC WORKS	CAREER APPAREL	\$150,000.00	11/30/2004	6467-2004-2	NO	NO	BCC	N/A
RQPM0400134	CORRECTIONS	UNIFORMS FOR BALIFFS	\$39,596.00	9/14/2004	IB5934-0004	YES	N/A	N/A	N/A
RQPM0400184	MED/FIRE	MEDICAL SUPPLIES (HEAD AND CERVICAL)	\$97,000.00	11/30/2004	6307-2004-2	NO	NO	DPM (6mo)	N/A
7719-409		MEDICAL SUPPLIES	\$1,000,000.00	9/30/2004	5143-2005	YES	N/A	N/A	N/A
IB5815	TRANSIT	HIGH SECURITY CUSTOMIZED BANKING SUPPLIES	\$61,700.00	N/A	N/A	N/A	N/A	N/A	NO CURRENT CONTRACT
RQPM0400223	COUNTY WIDE	COPRI/PRINTERS MAINTENANCE SERVICES	\$760,000.00	N/A	N/A	N/A	N/A	N/A	NEW BID
RQPM0400218	AVIATION	RED MULCH	\$116,013.00	1/31/2005	IB6840-2004-2	NO	NO	BCC	N/A
RQPM040045	POLICE DEPT	PLASTIC TUBING FOR ANIMAL SERVICES	\$122,500.00	11/30/2004	IB6478-0004	NO	NO	BCC (Nov)	N/A
AVCW0400509	FINANCE	DEBTOR LOCATION SERVICES	\$100,000.00	N/A	N/A	N/A	N/A	N/A	NEW BID
RQPM0400238	GSA	RESTROOM DEODORIZER SERVICES	\$44,000.00	10/31/2004	IB6131-1005	YES	N/A	N/A	N/A
RQDE0400007	DERM	ENVIRONMENTAL EDUCATION APPAREL	\$70,705.00	N/A	N/A	N/A	N/A	N/A	NEW BID
RQPM0400249	COUNTY WIDE	READY MIXED CONCRETE AND PUMPING SERVICES	\$3,256,000.00	10/31/04	6827-3/06	NO	YES	N/A	OTR APPROVED WILL BE IN PLACE 11/1/04
RQPM0400235	COUNTY WIDE	VINYL TILES ADHESIVE AND RELATED ITEMS	\$480,000.00	12/31/04	4978-2005-1	NO	YES	N/A	N/A
RCQ 65	COUNTY WIDE	IT PERSONNEL SERVICES	\$6,000,000.00		173	YES	N/A	N/A	PENDING USE OF STATE CONTRACT
RFP 432	GSA	CHEMICAL WATER TREATMENT SERVICES OF HVAC	\$1,350,000.00	1/31/2005	4764-0/00	NO	N/A	BCC	N/A

* Added to this List

Advertised and Not Yet Opened

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
5961-2/08	POLICE DEPT	VEHICLE RENTAL SERVICES	\$3,000,000.00	2/20/05	E5961-0/03-1	NO	YES	N/A	2 remaining OTR
6681-2/07	AVIATION/CRISAP/DI	POLO SHIRTS	\$257,125.00	10/31/04	6687-2003-2	YES	N/A	N/A	N/A
7702-2/07	PM/PPW	EMS TRAINING	\$158,000.00	N/A	N/A	N/A	N/A	N/A	NEW BID
7708-3/09	HSTM	TOWING & DISPOSAL OF ABANDONED PROPERTY	\$100,000.00	11/30/04	E7581-0/04	NO	N/A	DPM (3mo)	N/A
IB6501-2/07	POLICE DEPT	BICYCLE PATROL BOOTS	\$32,000.00	10/31/04	IB6501-2/04-2	NO	N/A	DPM (6mo)	N/A
5057-4/09	WASD	PLUG VALVES & OPERATORS	\$450,000.00	12/31/05	5057-2002-2	YES	N/A	N/A	N/A
7717-0/05	POLICE DEPT	AUDIO RECORDING EQUIPMENT TO SUPPORT 911	\$425,000.00	N/A	N/A	N/A	N/A	N/A	NEW BID
RFP 425	GSA	INVESTIGATIVE SERVICES RISK MGMT. DIVISION	\$500,000.00	12/24/2004	186	YES	N/A	N/A	N/A
RFP 411	FINANCE	INVESTMENT MANAGEMENT SYSTEM	\$300,000.00	N/A	N/A	N/A	N/A	N/A	This has been paid as a direct pay from finance for more than 10 years. The existing "contract" is not administered by DPM. Finance has been able to continue services through their current vehicle with out issue through the procurement process

Previously Reviewed by the Committee

Tabbed by Committee on 10/21/04

CURRENT DPM PROJECTS WITH MEASURES

Attachment C

Opened and Not Yet Awarded

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures?	Can OTR be Exercised?	Can DPM or BCC Approve Extension?	Comment
7505-3/08(b)	MDTA	JANITORIAL SERVICES FOR METRO RAIL STATIONS FACILITIES	\$2,000,000.00	9/30/2004	E7630-0/04	YES	N/A	N/A	7 STATIONS
7505-3/08(b)	WASD	PERSONNEL AGENCY SERVICES	\$2,000,000.00	9/30/2004	E7631-0/04	NO	N/A	DPM (6mo)	14 STATIONS
5682-3/08	CORRECTIONS	MATTRESSES/ BOX SPRINGS/BED LINENS & RELATED ITEMS	\$600,000.00	10/31/04	5683-3/01-3	YES	N/A	N/A	
6786-4/09	AVIATION/ CORRECTIONS	BIOLOGICAL DRAIN MAINTENANCE- PREQUALIFICATION	\$495,000.00	12/31/04	6786-2/05	NO	N/A	BCC	
IB6671-2/07**	SOLID WASTE	TEMPORARY LABORERS/WASTE COLLECTION SERVICES	\$35,750.00	10/31/04	6671-1/03-1	NO	N/A	BCC	CURRENT CONTRACT NOT A POOL
5164-3/09	GSA	OFFSET PRINTING FLAT SHEET (LITHOGRAPHIC)	\$2,767,000.00	3/31/05	5164-4/08	YES	N/A	N/A	
7607-4/09	AV/CA/GS/HD/HSM/PR/P	FIRST AID SUPPLIES	\$900,000.00	10/31/04	7609-3/05-1	NO	N/A	BCC	N/A
6285-2/08	WSP/SP/WS	PIPE & FITTINGS PYC- PREQUALIFICATION	\$416,000.00	9/30/04	285-2/03-2	NO	N/A	NO	NO TIME FOR BCC APPROVAL
3970-3/09	WASD	ECG ELECTRODES	\$400,000.00	N/A	170-2/01-2	N/A	N/A	N/A	NO CURRENT CONTRACT
6386-2/08	FIRE	STAFF UNIFORM SHIRTS	\$230,000.00	N/A	96-1/03-1	N/A	N/A	N/A	NO CURRENT CONTRACT
7623-2/07	GS/PA/PARKS	METALS PRE-QUALIFICATION	\$99,000.00	N/A	18-2/03-2	N/A	N/A	N/A	NO CURRENT CONTRACT
7646-4/09	AV/MA/CRT/MT/PR/P/WS	TOWING SERVICES FOR MDTA	\$400,000.00	PENDING	TBW, 11-0/04	N/A	N/A	N/A	PENDING INS/BOND
7001-4/09	MDTA	LOOKSMITH SERVICES	\$416,000.00	N/A	5437-1/4-1	N/A	N/A	N/A	NO CURRENT CONTRACT
5437-3/08	BL/CR/DE/FR/GS/HD/HSL								
Note: This is same as									
IB7691									
Previously Reviewed by the Committee									

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures?	Can OTR be Exercised?	Can DPM or BCC Approve Extension?	Comment
6553-3/08	GSA	ELECTRONIC PRE-PRESS & GRAPHIC DESIGN PERSONNEL	\$488,500.00	9/30/04	8553-0/03	N/A	N/A	N/A	NO TIME FOR BCC APPROVAL
IB7452-2/07	LIBRARY	JANITORIAL SERVICES FOR THE MIAMI-BEACH LIBRARY	\$30,000.00	9/30/04	107452-0/04	NO	N/A	DPM (3mo)	N/A
1003-2/09	WASD	DRAINAGE MATERIALS (Pre-qualification)	\$844,500.00	N/A	1003-0/01	N/A	N/A	N/A	NO CURRENT CONTRACT
7658-0/06	CA/WS/PR/FR	PADLOCKS & OTHER SECURITY HARDWARE	\$85,000.00	N/A	N/A	N/A	N/A	N/A	NEW BID
7038-2/07	TRANSIT	NUTS & BOLTS INVENTORY (FURNISH/DELIVER/SET-UP)	\$200,000.00	10/31/04	1876654	NO	N/A	N/A	NO TIME FOR BCC APPROVAL
5682-3/08B	WASD	PERSONNEL AGENCY SERVICES (SUPPLEMENTAL)	\$429,184.00	10/31/04	5683-3/01-3	YES	N/A	N/A	N/A
7677-0/09	WASD	METERS FOR WATER SVC/PARTS/ACCESSORIES- PREQUALIFICATION	\$7,500,000.00	11/30/04	BW6596-3/04-3	NO	N/A	BCC	N/A
7672-2/07	COUNTY WIDE	EMBROIDERED PATCHES	\$104,500.00	N/A	IB6435-2/03-1	N/A	N/A	N/A	NO CURRENT CONTRACT
7680-4/09	AVIATION	CARPET & RELATED FLOORING	\$550,000.00	N/A	N/A	N/A	N/A	N/A	ALL BID REJECTED DUE TO EXCESSIVE PRICING
IB7679-3/08	WASD	STEEL COVER PLATES & ASSEMBLIES	\$70,000.00	N/A	N/A	N/A	N/A	N/A	NO TIME FOR BCC APPROVAL
IB7691-2/07**	AV/CR	BIOLOGICAL DRAIN & GREASE TRAP MAINTENANCE	\$37,000.00	10/31/04	6671-1/03	NO	N/A	N/A	NO TIME FOR BCC APPROVAL
7694-1/07	GSA	JANITORIAL SVCS FOR VARIOUS GSA PROPERTIES	\$313,000.00	N/A	N/A	N/A	N/A	N/A	NEW BID
Rebid for IB6671									
Previously Reviewed by the Committee									

CURRENT DPM PROJECTS WITH MEASURES

Attachment C

Opened and Not Yet Awarded (continue)

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
IB5342-3/08	WASD	LIFTING SLINGS & ROPE	\$38,500.00	11/30/04	IB5342-2/04-2	NO	N/A	DPM (BMO)	N/A
RFQ 61	PARK & REC.	PARK PLANNING SERVICES POOL	\$2,700,000.00	N/A	N/A	N/A	N/A	N/A	NEW RFP
WOPR 45-14	TRANSIT	COST ALLOCATION MODEL	\$100,000.00	N/A	N/A	RFQ HAS MEASURES	N/A	N/A	RFQ 45 POOL
WOPR 45-15	DBD	DEPT. OF BUS. DEVELOPMENT PROCESS REVIEW	\$75,000.00	N/A	N/A	RFQ HAS MEASURES	N/A	N/A	RFQ 45 POOL
RFP 427a	CITT	FINANCIAL CONSULTING SERVICES FOR CITT	\$1,500,000.00	N/A	N/A	N/A	N/A	N/A	NEW RFP
RFP 360a	WASDI/AVIATION	FINANCIAL SYSTEM (ERP) FOR WASAD & MDAD	\$16,000,000.00	N/A	N/A	N/A	N/A	N/A	NEW RFP
RFP 360b	WASDI/AVIATION	ERP	\$750,000.00	N/A	N/A	N/A	N/A	N/A	NEW RFP
7621-5/10	ETSD	DATASTREAM IMPLEMENTATION SERVICES POOL	\$9,000,000.00	N/A	N/A	N/A	N/A	N/A	We will research other government entities contracts that could be accessed.
7620-5/10	ETSD/COUNTY WIDE AVIATION	INFORMATION TECHNOLOGY POOL	\$11,000,000.00	N/A	Multiple State Contracts	No	N/A	N/A	A new State IT pool 973-561-04-2 is available and can be used temporarily for urgent projects.
RFP MDAD		FINANCIAL FEASIBILITY	\$1,000,000.00	N/A					

Pending Award by DPM

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
RFP 399		SCALEHOUSE ACCOUNTING & VIDEO SYSTEM	\$385,000.00	N/A	N/A	N/A	N/A	N/A	Will search for other government entities contract that are available NEW RFP
RFP 434	OSBM	PERFORMANCE MANAGEMENT SYSTEM	\$300,000.00	N/A	N/A	N/A	N/A	N/A	Will search for other government entities contract that are available NEW RFP

In Route for RTA to BCC 9/9/04

PROJECT NO.	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
6326-3/04-3	SOLID WASTE	OPEN & CLOSE REFUSE TRAILERS	\$2,776,720.00	10/31/2004	6326-3/04-3	NO	NO	DPM (BMO)	N/A
5459-0/06	POLICE DEPT.	2005 POLICE VEHICLES	\$6,409,000.00	N/A	N/A	N/A	N/A	N/A	APPROVE BY BCC WITHOUT MEASURES 9/9/04
5203-0/06	GSA	2005 VANS	\$2,400,000.00	N/A	N/A	N/A	N/A	N/A	APPROVE BY BCC WITHOUT MEASURES 9/9/04
RQPM0400164 (5066-2/03-2)	PARKS & REC / PUBLIC WORKS	TREES & PALMS	\$3,605,000.00	4/30/05	5066-2/03-2	NO	N/A	BCC	N/A

Previously Reviewed by the Committee

CURRENT DPM PROJECTS WITH MEASURES

Pending Award by BCC 9/9/04

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
6181-308	COUNTY WIDE	TEMPORARY TECHNICAL PERSONNEL	\$23,000,000.00	9/30/04	6181-202-2	NO	N/A	DPM MONTH TO MONTH	N/A
Previously Reviewed by the Committee									

In Route for RTA to BCC 10/5/04

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
RQPM0400229 (6763-2/04-2)	WASD	JANITORIAL SERVICES FOR WASD SITES	\$500,000.00	3/31/04	6763-2/04-2	YES	N/A	N/A	N/A
RQPM0400185 (190-2205-2)	CAA	CLASSROOM MATERIALS AND SUPPLIES	\$440,000.00	N/A	190-2205-2	N/A	N/A	N/A	NO CURRENT CONTRACT SCHOOL BOARD BID
Previously Reviewed by the Committee									

Pending Award by BCC 10/5/04

PROJECT NO	DEPARTMENT	TITLE	EST. VALUE	EXPIRATION DATE	CURRENT CONTRACT NO.	Does the current contract have measures? Yes or No	Can OTR be Exercised	Can DPM or BCC Approve Extension	Comment
7533-409	GS/COUNTY WIDE	REPRODUCTION & BINDING SVCS TO INCLUDE ARCHITECTURAL DOCS	\$1,012,000.00	12/31/2004	6125-2/01-2	NO	N/A	BCC	N/A
Previously Reviewed by the Committee									



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** August 23, 2004
and Members, Board of County Commissioners

Hon. Alex Penelas,
Mayor, Miami-Dade County

George M. Burgess
County Manager

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Hershell Gill Consulting
Engineers, Inc. et al., v.
Metropolitan Dade County
(Affirmative Action case –
Architectural and Engineering
services)

Late Friday, I transmitted to you a copy of U.S. District Judge Adalberto Jordan's order finding the architectural and engineering aspects of the County's Black, Hispanic and Women Business Enterprise (B/H/WBE) programs unconstitutional.

This is the second federal case finding that the County's B/H/WBE programs do not meet the rigorous prerequisites required for the application of race, ethnic and gender-conscious measures to county contracting. The first case pertained to *construction* contracts.¹ Friday's order pertains to *architectural and engineering* contracts.² The Court found the County lacks the required evidence of discrimination against Black, Hispanic and Women-owned architectural and engineering firms sufficient to justify application of the B/H/WBE programs to the County's acquisition of architectural and engineering services. The Court's order also found that the programs' measures (i.e., set-asides, subconsultant goals and selection factors) are not narrowly tailored to remedy any discrimination

¹ *Engineering Contractors Ass'n v. Metropolitan Dade County*, 943 F.Supp. 1546 (S.D. Fla. 1996), *aff'd*, 122 F.3d 895 (11th Cir. 1997). As a result, the county has not applied B/H/WBE measures to construction contracts for the past 7 years.

² The court previously entered a preliminary injunction against the County's application of the B/H/WBE programs to its purchase of architectural and engineering services. Thus, for the past 3 years, the County has not applied measures for these services.

Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Hon. Alex Penelas
Mayor, Miami-Dade County

George M. Burgess
County Manager

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practiced against BBE and HBE firms and are not substantially related to remedying discrimination against WBE firms.

The B/H/WBE programs are based on the results of disparity studies done in the early 1990's. Two federal judges have now found those studies, as supplemented by post enactment studies done for trial, constitutionally insufficient.

The plaintiffs in this second federal case claimed that the County Commissioners should each be subjected to punitive damages, but Judge Jordan declined to award them. His order, however, noted that there is another County case³ pending before him challenging application of the B/H/WBE programs to the purchase of security guard services, and stated that "Should that case proceed to trial, and should the record be as constitutionally deficient as it was here, punitive damages will be a virtual certainty."

The effect of these two federal court rulings, applying the law enunciated by the U.S. Supreme Court in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), is that the B/H/WBE programs *can no longer be applied* to the bid and award of any County contract.

The County Manager, therefore, is directed, as a matter of law, to issue addenda deleting BBE, HBE and WBE measures from all County solicitations currently out for bid. For those solicitations containing BBE, HBE or WBE measures for which bids have already been opened and no award has been made, the County Manager is directed to cancel those solicitations and re-bid them without measures. Awarded contracts containing BBE, HBE or WBE measures are unaffected by this direction and such measures may be enforced in accordance with the terms of the awarded contract.

³ *50 State Security, et al. v. Miami-Dade County et al.*, No. 01-268-Civ-Jordan.